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## DECLARATION FOR PATENT APPLICATION

As an undersigned inventor, I hereby declare that:

My residence, post office address and country of citizenship are as stated directly below my name.

I believe (check one)  I am the original, first and sole inventor  
 I am a joint inventor and the below named inventors are the  
original and first inventors

of the subject matter which is claimed and for which a patent is sought on the invention entitled

### **SYSTEMS AND METHODS FOR CONFIGURATION OF INFORMATION MANAGEMENT SYSTEMS**

the specification of which

(check one)  is attached hereto.  
 was filed on June 12, 2001,  
as Application Serial No. 09/879,836,  
and was amended on \_\_\_\_\_.  
(if applicable)

I further declare that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office (hereinafter "the Office") all information known to me to be material to patentability of the subject matter which is claimed as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate indicated below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s) Number	Country	Day/Month/Year Filed	Priority Claimed Yes	Priority Claimed No
_____	_____	_____	_____	X

I hereby claim the benefit under 35 U.S. C. §119(e) of any United States provisional application listed below:

<u>Provisional Application Serial No.</u>	<u>Filing Date</u>
60/246,401	November 7, 2000
60/187,211	March 3, 2000
60/246,401	November 7, 2000
60/285,211	April 20, 2001
60/291,073	May 15, 2001

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status (patented, pending, abandoned)</u>
09/797,200	March 1, 2001	pending

Address all correspondence and telephone calls to the following:

William W. Enders  
O'KEEFE, EGAN & PETERMAN  
1101 Capital of Texas Highway South  
Building C, Suite 200  
Austin, TX 78746  
(512) 347-1611  
(512) 347-1615 (Fax)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Neal D. Hartsell

Inventor's Signature Neal Hartsell 9/5/01 Date

Residence: 2705 CLEARNVIEW DRIVE AUSTIN, TEXAS 78713  
(Including Postal Code)

Citizenship: USA

Post Office Address: same  
(Including Postal Code) (enter "same" if mailing address is same as residence address)

Full name of second joint inventor: Robert B. Fernander

Inventor's Signature R.B. Fernander 9-5-01 Date

Residence: 3610 BONNIE ROAD, AUSTIN TX 78703  
(Including Postal Code)

Citizenship: USA

Post Office Address: same  
(Including Postal Code) (enter "same" if mailing address is same as residence address)

Full name of third joint inventor: Gregory J. Jackson

Inventor's Signature Gregory J. Jackson 9/5/01 Date

Residence: 501 Madrone Canyon Dr. Dripping Springs, TX 78620  
(Including Postal Code)

Citizenship: US

Post Office Address: same  
(Including Postal Code) (enter "same" if mailing address is same as residence address)

Full name of fourth joint inventor: Scott C. Johnson

Inventor's Signature Scott Johnson Date 9-5-2001

Residence: 3612 Galleria Hills Loop Farm Rock, Texas 78681  
(Including Postal Code)

Citizenship: U.S.A.

Post Office Address: same  
(Including Postal Code) (enter "same" if mailing address is same as residence address)

Full name of fifth joint inventor: Chaoxin C. Qiu

Inventor's Signature Chaoxin C. Qiu Date 9/5/2001

Residence: 10720 Bramblecrest Dr., Austin, TX 78726  
(Including Postal Code)

Citizenship: USA

Post Office Address: same  
(Including Postal Code) (enter "same" if mailing address is same as residence address)

Full name of sixth joint inventor: Roger K. Richter

Inventor's Signature Roger K. Richter Date 9/5/2001

Residence: 15248 FAUBION TRAIL, LEANDER, TX 78641  
(Including Postal Code)

Citizenship: USA

Post Office Address: - Same -  
(Including Postal Code) (enter "same" if mailing address is same as residence address)



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: NEAL D. HARTSELL ET AL.

Filed: June 12, 2001

For: SYSTEMS AND METHODS FOR CONFIGURATION OF  
INFORMATION MANAGEMENT SYSTEMS

Serial No.: 09/879,836

Group Art Unit: UNKNOWN

Examiner: UNKNOWN

Atty Dkt: SURG:153

Pursuant to 37 CFR 1.8, I hereby certify that this paper or fee is being deposited with the United States Postal Service in a first class, postage prepaid envelope on the date indicated below and is addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231.

10-3-01

Date

*Diane C. Pitts*

Name

Assistant Commissioner For Patents  
Washington, D.C. 20231

### **ELECTION UNDER 37 C.F.R. §§3.71 AND STATEMENT UNDER 3.73 AND POWER OF ATTORNEY**

Sir:

The undersigned being Assignee of record of the entire interest in the above-identified application by virtue of an assignment that has been filed in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. §3.71, to prosecute the application to the exclusion of the inventor. A statement under 37 C.F.R. 3.73(b) is also included below.

The Assignee hereby revokes any previous Powers of Attorney and appoints Robert M. O'Keefe, Reg. No. 35,630; Richard D. Egan, Reg. No. 36,788; Brian W. Peterman, Reg. No. 37,908, William W. Enders, Reg. No. 41,735, and Maximilian R. Peterson, Reg. No. 46,469, each an attorney of the firm of O'KEEFE, EGAN & PETERMAN, LLP, as its attorney for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one

year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. §3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to ***Surgient Networks, Inc.***, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Pursuant to 37 C.F.R. §3.73(b), ***Surgient Networks, Inc.***, a corporation, states that it is the assignee of the entire, right, and interest in the patent application identified above by virtue of an assignment from the inventor(s) of the patent application identified above. The assignment has been filed in the United States Patent and Trademark Office as set forth below.

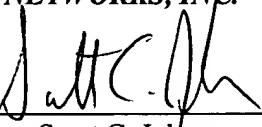
Please direct all communications as follows:

***William W. Enders***  
O'KEEFE, EGAN & PETERMAN, LLP  
1101 Capital of Texas Highway South  
Building C, Suite 200  
Austin, Texas 78746  
512/347-1611  
FAX 512/347-1615

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

ASSIGNEE:

***SURGIENT NETWORKS, INC.***

By: 

Name: Scott C. Johnson  
Title: Chief Technical Officer

Date: 15.2001

ASSIGNMENT:

Filed concurrently herewith (copy enclosed)

Previously filed [date](copy enclosed)

Previously recorded

Date: \_\_\_\_\_

Reel: \_\_\_\_\_

Frame: \_\_\_\_\_

## ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to Surgent Networks, Inc. (the "Assignee"), being incorporated under the laws of the State of Delaware, having a place of business 8303 North Mopac, Suite C-300, Austin, Texas 78759-8374, the entire right, title and interest for the United States and all foreign countries in and to (1) any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 09/879,836 which has been filed on June 12, 2001 and is entitled "SYSTEMS AND METHODS FOR CONFIGURATION OF INFORMATION MANAGEMENT SYSTEMS," (2) such application and all divisional, continuing, continuation-in-part, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; and (3) any and all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such applications in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

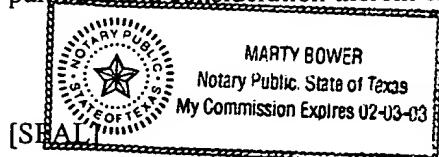
(Signature): Neal Hartsell  
Neal D. Hartsell

Date: 9/5/01

State of Texas )

County of Travis)

BEFORE ME, the undersigned authority, on this 5 day of September, 2001, personally appeared Neal D. Hartsell, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



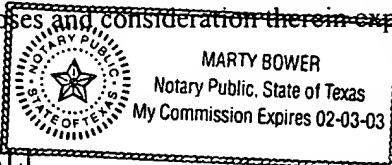
Marty Bower  
Notary or Consular Officer

(Signature): Robert B. Fernander

Date: 9-5-01

State of Texas )  
County of Travis)

BEFORE ME, the undersigned authority, on this 5 day of September, 2001, personally appeared Robert B. Fernander, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



[SEAL]

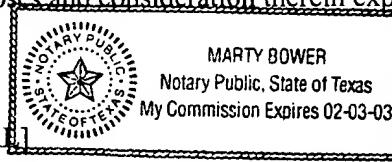
Marty Bower  
Notary or Consular Officer

(Signature): Gregory J. Jackson

Date: 9/5/01

State of Texas )  
County of Travis)

BEFORE ME, the undersigned authority, on this 5 day of September, 2001, personally appeared Gregory J. Jackson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



[SEAL]

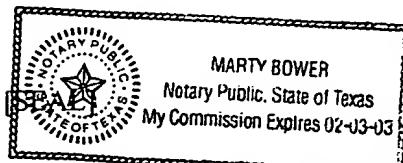
Marty Bower  
Notary or Consular Officer

(Signature): Scott C. Johnson

Date: 9-5-2001

State of Texas )  
County of Travis)

BEFORE ME, the undersigned authority, on this 5 day of September, 2001, personally appeared Scott C. Johnson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



Marty Bower  
Notary or Consular Officer

(Signature):

*Chao & Chao Qiu*

Chaoxin C. Qiu

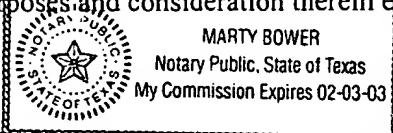
Date:

9/5/2001

State of Texas )

County of Travis)

BEFORE ME, the undersigned authority, on this 5 day of September, 2001, personally appeared Chaoxin C. Qiu, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



[SEAL]

*Marty Bower*

Notary or Consular Officer

(Signature):

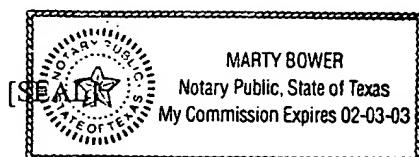
*Roger K. Richter*

Date: 9/5/01

State of Texas )

County of Travis)

BEFORE ME, the undersigned authority, on this 5 day of September (2001), personally appeared Roger K. Richter, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



*Marty Bower*

Notary or Consular Officer